DETAILED CLAIM LISTING

The following is a detailed listing of all claims that are, or were, pending in the present application. Claims 1-42 and 59-74 were previously cancelled. Please amend claims 43, 45-46, 51, 56, 75, 79, 81, and 83, as set forth in this detailed listing.

1-42. (Canceled)

43. (Currently Amended) A device for providing a text related to an image, comprising:

a microprocessor;

a library of stored images[:]; and

a library of stored texts, wherein each of the stored texts is associated with at least one of the stored images;

wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images and, when a predetermined level of similarity is identified between the new image and one of the stored images, associates with the new image the stored text associated with the identified one of the stored images that is most similar to the new image.

44. (Previously Presented) The device of claim 43, wherein the new image, stored images and stored texts are digital.

45. (Currently Amended) The device of claim 44, wherein the microprocessor uses digital image recognition to identify the one of the stored images that is most similar to the new image determine whether there is the predetermined level of similarity between the new image and any of the stored images.

46. (Currently Amended) The device of claim 43, wherein, when no predetermined level of similarity between the new image and any of the stored images is identified stored image is similar to the new image, the microprocessor generates a signal to indicate that no match has been identified for the new image.

47. (Previously Presented)   A device for producing a text for use in a record concerning a procedure, comprising:

a library of stored images drawn from past procedures;

a library of stored texts, each of the stored images being associated with at least a portion of one of the stored texts; and

a microprocessor;

wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images;

and, based on the comparison, associates one or more portions of one or more of the stored texts with the new image.

48. (Previously Presented)   The device of claim 47, wherein the procedure is a surgical procedure and the past procedures are past surgical procedures.

49. (Previously Presented)   The device of claim 47, wherein the new image is compared with the stored images using digital image recognition.

50. (Previously Presented)   The device of claim 47, wherein the new image is a real-time image.

51. (Currently Amended) An apparatus for producing a record comprising:

means for storing a plurality of images and a plurality of texts, at least a portion of each stored text being associated with one of the stored images;

means for comparing a new image to the stored images using digital image recognition to identify one or more stored images ~~having a predetermined level of similarity~~ that are most similar to the new image; and

means for creating a record by associating with the new image the stored text associated with the identified stored image.

52. (Previously Presented) The apparatus of claim 51, wherein the text associated with the new image is descriptive of the new image.

53. (Original) The apparatus of claim 51, further comprising means for digitizing the images.

54. (Original) The apparatus of claim 51, further comprising means for communicating the images and texts.

55. (Original) The apparatus of claim 51, wherein the images depict aspects of medical procedures.

56. (Currently Amended) A method of providing a medical record comprising the steps of:

capturing a library video image of a medical procedure;

processing the library video image to provide a library digital image;

creating a text description associated with the library digital image;

capturing an outside video image of an outside medical procedure and processing the outside video image to provide an outside digital image; and

comparing the library digital image and the outside digital image, wherein, if the library digital image and the outside digital image have a predetermined level of similarity, the text description associated with the library digital image most similar to the outside digital image is selected to become associated with the outside digital image to form a medical record.

57. (Original) The method of claim 56, wherein a plurality of library video images and respective library digital image signals and text descriptions are captured, processed, and created.

58. (Original) The method of claim 57, wherein the library digital image signals and text descriptions comprise an electronically accessible database.

59-74. (Canceled)

75. (Currently Amended) A method of creating a record comprising the steps of:

forming groups of library images, each group depicting a portion of a procedure;

forming a group of library texts describing the procedure, wherein each of the library texts forming the group of library texts corresponds to one of the portions of a procedure;

providing an outside image of a procedure;

comparing the outside image to the groups of library images;

selecting an image or group of images from the library images that ~~has a predetermined level of similarity with~~ are most similar to the outside image;

selecting the library text corresponding to the portion of the procedure corresponding with the selected library image; and

storing the selected library text with the outside image to create a record.

76. (Original) The method of claim 75, wherein the library images and the library texts are digital.

77. (Original) The method of claim 76, wherein the outside image is digital.

78. (Original) The method of claim 77, wherein the steps of selecting an image and selecting the library text are accomplished by a microprocessor.

79. (Currently Amended) The method of claim 75, wherein the ~~predetermined level of similarity is determined~~ most similar library image using digital image recognition.

80. (Previously Presented) The method of claim 75, wherein the record created is a medical record.

81. (Currently Amended) A method for providing a text related to an image, comprising:

creating a library of stored images;

creating a library of stored texts, wherein each of the stored texts is associated with at least one of the stored images;

receiving a new image;

comparing the new image to the stored images using digital image recognition to ~~determine whether a predetermined level of similarity exists between~~ <u>identify the one or more stored images that are most similar to</u> the new image ~~and one or more of the stored images~~; <u>and</u>

when <u>the most similar one or more stored images are identified</u> ~~the predetermined level of similarity is identified between the new image and one or more of the stored images~~, associating with the new image the stored text associated with the identified stored image.

82. (Previously Presented)   The method of claim 81, wherein the new image, stored images and stored texts are digital.

83. (Currently Amended)   The method of claim 81, further comprising the step of: generating a signal to indicate that no match has been identified for the new image when none of the stored images ~~have the predetermined level of similarity with~~ <u>are similar to</u> the new image.